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### **REMARKS**

#### **Regarding the Specification**

The amendments made to the Specification on pages 22 (in Example 7) and 25 (in Example 13) relate to antimony content. The numbers provided in the Specification as filed were based on a measurement technique involving estimates. Subsequent analyses were performed and the correct antimony contents for these pages are each 180 ppm.

The insertion on page 25, at line 6, reflects an inadvertent omission of antimony content for Example 12. As can be seen from reading page 24, lines 25-35, describing the process for this example, antimony was added.

#### **Regarding the Claims**

Claims 1-29 are pending in the present application. Claims 1-6, 9-13 and 16-25 stand rejected. Claims 1, 12, 13, 17-22, and 24 have been amended. Remaining non-canceled claims depend on an amended claim. Claims 5, 9, 11, and 16 have been canceled based on the foregoing amendments.

Applicants cancels non-elected Claims 7, 8, 14, 15, and 26-29, based on Examiner's Restriction Requirement made final. Applicant hereby reserves the right to file divisional application on the non-elected claims, Group II (7, 8, 14, 15, and 26-29).

Applicants respectfully request reconsideration of this application in view of the amendments and remarks herein.

Claim 1 has been amended to recite that the aromatic polyester polyol comprises a metal esterification catalyst and to incorporate limitations of canceled claim 9. Support can be found at page 4, lines 16-26 (and canceled claim 9) and lines 29-30. Claims 12 and 13 have been amended to change dependency from canceled claim 9 to claim 1. Claim 17 has been amended so that the urethane catalytic activity agent comprises both a non-alkoxylated aminoalcohol and a metal esterification catalyst. Support is found at page 4, lines 29-30. None of the cited references disclose an aromatic polyester polyol comprising a metal esterification catalyst.

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Restriction under 35 U.S.C. 121

The claims were divided into two groups as follows:

Group I – Claims 1-6, 9-13, and 16-25 for polyester polyol and method

Group II – Claims 7-8, 14-15, and 26-29 for foam and method

Applicants elect claims 1-6, 9-13 and 16-25 of Group I to continue prosecution, affirming the provisional election by Applicants' representative. To advance the prosecution, Applicants withdraw the non-elected claims. Applicants reserve the right to file divisional application on the claims of Group II.

Rejection of Claims 1-6, 9-13 and 16-25 under 35 U.S.C. 102(b) over Barda (US 4,468,480)

As the Examiner noted Barda discloses aromatic polyester polyol compositions prepared from acid components, glycol components and non-alkoxylated aminoalcohols having an acid number of 0 to 10 mg KOH/g, that is, inclusive of having an acid number below 3.0 mg/KOH/g.

Barda does not disclose use of a metal esterification catalyst in the preparation of the polyester polyol. The use of a metal esterification catalyst and thus its presence in the polyester product, provide advantages in subsequent processes using the polyester polyols, such as, for example, in producing polyurethane foams.

Rejection of Claims 1-6, 9-13 and 16-25 under 35 U.S.C. 102(b) over GB 1,592,534

As the Examiner noted, GB 1,592,534 discloses aromatic polyester polyol compositions prepared from acid components, glycol components and non-alkoxylated aminoalcohols having an acid number less than 3.

GB 1,592,534 does not disclose use of a metal esterification catalyst in the preparation of the polyester polyol. The use of a metal esterification catalyst and thus its presence in the polyester product, provide advantages in subsequent processes using the polyester polyols, such as, for example, in producing polyurethane foams.

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Rejection of Claims 1-6, 9-13 and 16-25 under 35 U.S.C. 102(b) over Muller et al. (US 2,788,332)

As the Examiner noted, Muller discloses aromatic polyester polyol compositions prepared from acid components, glycol components and non-alkoxylated aminoalcohols having an acid number less than 3.

Muller does not disclose use of a metal esterification catalyst in the preparation of the polyester polyol. The use of a metal esterification catalyst and thus its presence in the polyester product, provide advantages in subsequent processes using the polyester polyols, such as, for example, in producing polyurethane foams.

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**CONCLUSION**

In conclusion, none of the patents cited by the Examiner disclose or suggest an aromatic polyester polyol comprising metal esterification catalyst. Therefore, the claimed invention is not anticipated by Barda, GB 1,592,534, or Muller.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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